

REMARKS

Claims 12-15 have been added directed to particular polymers recited in claim 1 and disclosed as particularly preferred at page 5, lines 14-16 in the specification. Claim 16 has been added depending on claim 6 and reciting the even more preferable compositional ratio disclosed at page 6, lines 3-5 in the specification.

Entry of the above amendment is respectfully requested.

Information Disclosure Statement

In the Advisory Action, the Examiner indicates that the IDS filed June 23, 2009 has not been considered, because it was not accompanied by a statement as required in Rule 37 CFR 1.97(e).

In response, Applicants submit that it is not clear why the Examiner indicates that the IDS was not accompanied by a statement as required in Rule 37 CFR 1.97(e), since a copy of the statement is present in the Image File Wrapper in the PAIR system together with the IDS transmittal letter (it can be seen in the June 23, 2009 document having the Document Description “Transmittal Letter” in the Image File Wrapper) and since it is also listed on the June 23, 2009 “EFS Acknowledgement Receipt” shown in the Image File Wrapper [the acknowledgement receipt is generated by the electronic filing system (EFS) at the PTO]. Thus, Applicants submit that the IDS should have been considered. Moreover, entry and consideration of the IDS is requested in the RCE being submitted concurrently herewith. Thus, Applicants respectfully request that the Examiner consider the IDS and return an initialed PTO/SB/08 form with the next communication from the PTO.

Obviousness Rejections

In addition to the remarks and evidence filed June 23, 2009, entry and consideration of which is respectfully requested in the RCE being submitted concurrently herewith, it is submitted that the new claims are patentable because the subject matter recited therein is not taught, suggested or otherwise obvious over the cited art. For example, Zou et al discloses in paragraph [0024] that the ratio of the cationic lipid to the polycationic polymer in the composition is from about 1:2 to 1:20 (also, see the Examiner's citation of this range on page 6 of the Office Action dated April 2, 2008), which does not teach, suggest or otherwise render obvious the 50:1 to 200:1 compositional ratio range recited in new claim 16. Also, the cited art does not teach, suggest or otherwise render obvious new claims directed to particular polymers or copolymers as recited.

Accordingly, Applicants submit that the present invention is not obvious over the cited art, and withdrawal of the obviousness rejections is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/580,029

Attorney Docket No.: Q95047

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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